



**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 18, 2005**

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Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Certificate of Appreciation/Steve Davidson & The Florida Moving Image Archive.
- PA2 Certificate of Appreciation/Wendy Raphaely, National Youth Service Weekend. (Garcia)
- PA3 Proclamation/Declaring "National Emergency Medical Services Week." (Dermer)
- PA4 Proclamation/Declaring "Public Works Week."
- PA5 Proclamation/Declaring May 7-15, 2005 as "National Tourism Week" in the City of Miami Beach.
- PA6 Certificate of Appreciation/Pola Reyburd, Serving on the Art in Public Places Committee. (Bower)
- PA7 Certificate of Appreciation/Michael Aller, Participation at the "Women Worth Knowing" Event. (Dermer)
- PA8 Certificates of Appreciation/Crime Prevention Unit of the Miami Beach Police Department.

- C4A Ref: Finance & Citywide Projects Comm. - Venetian Islands Neighborhood Improvement Project.
- C4B Ref: Finance & Citywide Projects Comm. - West Ave. Neighborhood ROW Improvement Project.
- C4C Ref: Finance & Citywide Projects Committee - Taxable Pension Special Obligation Bonds.
- C4D Ref: Finance & Citywide Projects Committee - Refunding RDA Tax Increment Revenue Bonds.
- C4E Ref: Neighborhood/Community Affairs Committee - Amended Noise Ordinance.
- C4F Ref: Planning Board - HPB, Board of Adjustment & Planning Board Appeals Procedures. (Cruz)

- C6A Report: Finance & Citywide Projects Committee Meeting of April 8, 2005.
- C6B Report: Neighborhood/Community Affairs Committee Meeting of April 26, 2005.
- C6C Report: Finance & Citywide Projects Committee Meeting of April 27, 2005.
- C6D Report: General Obligation Bond Oversight Committee Meeting of May 2, 2005.
- C6E Report: Land Use & Development Committee Meeting of May 9, 2005.

- C7A Execute Amendment to the Lease Agreement w/ UNIDAD, South Shore Community Center.
- C7B Retroactively Approve Sublease, Use of Office Space at the Historic City Hall.
- C7C Execute Concession Agreement, Management & Operation of Beachfront Concessions.**SM**
- C7D Issue RFQ, Professional Building Inspection & Plans Review Services.**SM**
- C7E Authorize Intergovernmental Agmt, Fleet Maintenance Services w/ Village of Key Biscayne.
- C7F Issue RFP, Dry Cleaning Services for Miami Beach Uniformed Employees.
- C7G Set Preliminary Public Hearing, Proposed La Gorce Island Neighborhood Conservation District.

C7H Execute Services Agreement, Criminal Prosecution of Local Code & Ordinance Violations.
 C7I Appropriate PTP Funds, Paint (70) Miami Beach Traffic Signal Posts & Mast Arms.
 C7J Execute Services Agreement, 16th Street Operational Improvements/Enhancement Project.**SM**
 C7K Approve Proposed Final Plat of the "Meadowood Gardens."**SM**
 C7L Approve Proposed Final Plat of the "Apogee."
 C7M Appropriate Funds, CDM to Conduct Citywide Water & Sewer Engineering Services.
 C7N Execute Mutual Aid Agreement with the City of Fort Lauderdale.
 C7O **4:20 p.m.** Appointment of Chief Special Master. (**Separated**)

REGULAR AGENDA

R5A **10:15 a.m. 2nd Rdg**, Sex Offenders Residence Prohibition Ordinance. (Dermer)
 R5B **10:20 a.m. 2nd Rdg**, Demolition Procedures for Non-Designated Structures. **5/7**
 R5C **10:30 a.m. 2nd Rdg**, Housing for Low and/or Moderate Income Elderly. **5/7**
 R5D **5:20 p.m. 2nd Rdg**, Anchoring & Mooring of Watercraft Ordinance. (Smith)
 R5E **11:00 a.m. 1st Rdg**, Campaign Finance Reform Ordinance. (Dermer/Smith)
 R5F **1st Rdg**, Defined Contribution Retirement Plan 401(a) Ordinance.**SM**
 R5G **1st Rdg**, Prohibiting Wheeled Conveyances on Beachfront Promenade Boardwalk.

 R7A **10:40 a.m.** Waive Development Regulations, Parking Lot at 137 Washington Ave. **5/7**
 R7B **5:00 p.m.** Approve Development Agreement w/ Potamkin/Berkowitz, "5th & Alton" Project.**SM**
 R7C **5:00 p.m.** Waive the Required Art in Public Places Appropriation, 5th & Alton" Project.
 R7D **5:15 p.m.** Evaluate the Merits of Proposed Gilbert M. Fein Neighborhood Conservation District.
 R7E **Joint**, Award Services Agreement, Complete the South Pointe Streetscape Project.
 R7F Accept Recomm., Group Employee Long Term Disability Coverage for 401(a) Participants.
 R7G **Joint**, Execute a Modification to the Sovereignty Submerge Land Lease, Miami Beach Marina.
 R7H Accept Recomm., Implementation of a Citywide Corporate Marketing & Sponsorship Program.
 R7I **11:15 a.m.** Approve Purchase of Flood Insurance & All Risk Property Insurance - City Buildings.
 R7J Appropriate Funds, Construction of the 41st Street Bridges Project.
 R7K **6:00 p.m.** Issue a Certification of Consistency to MBCDC, Villa Maria Apartment Project.
 R7L **6:00 p.m.** Issue (5) Certifications of Consistency to Douglas Gardens, Mayfair Hotel.
 R7M **6:00 p.m.** Issue a Certification of Consistency to Neighborhood Services, Homeless Services.
 R7N **6:00 p.m.** Issue (2) Certifications of Consistency to Carrfour, 8540 Harding Avenue.**SM**
 R7O Appropriate Funds, Work Orders for Water & Sewer Construction Projects.
 R7P **11:30 a.m.** Approve & Officially Adopt the BODR for Multi-Purpose Municipal Parking Facility.

 R9A Board and Committee Appointments.
 R9A1 Appointment to the Board of Adjustments.
 R9A2 Appointment to the Performing Arts Center Trust. (Dermer)
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **6:00 p.m.** Disc. Referral to Planning Board/BOA - Harding Village Supportive Housing. (Garcia)
 R9C1 **6:00 p.m.** Disc. Carrfour Facility Being Established on North Beach. (Garcia)
 R9D Report on Memorial Day Weekend 2005.
 R9E Presentation by Michael Kosnitzky on the Orange Bowl Committee. (Dermer)
 R9F **4:30 p.m.** Disc. Rules Governing Dogs/Bicycles & Skateboards at New Beach Walk. (Smith)**SM**
 R9G **5:45 p.m.** Disc. Maintenance of Bark Park & Leash Law Enforcement at Pinetree Park. (Garcia)
 R9H Disc. Resolution re: Supporting Full Funding for the Byron Carlyle Theater. (Smith)**SM**

 A Status Report on Fire Station No. 2.
 B Status Report on Fire Station No. 4.
 C Informational Report on Federal, State, County and All Existing City Contracts.
 D1 Minutes from the Performing Arts Center Trust Board Meeting of March 8, 2005. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for March 2005.
 3A **Joint**, Award Services Agreement, Complete the South Pointe Streetscape Project.
 3B Appropriate Funds, Demolition of the Old Miami Beach Regional Library Building.
 3C **Joint**, Execute a Modification to the Sovereignty Submerge Land Lease, Miami Beach Marina.

Prepared by the City Clerk's Office

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Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any Commission item to the alternate meeting date.

Meeting called to order at 9:29:00 a.m.

Invocation given by Rabbi Turk, Beth Israel, 770 40th Street.

Pledge of Allegiance led by Joe Mathew, retired veteran from the Miami Beach Police Department.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials:

C7C (Additional Information), C7D (Resolution), C7J (Resolution and Agreement), C7K (Resolution), R5F (Revised Memorandum and Ordinance), R7B (Additional Information), R7N (Resolution), R9F (Additional Information), and R9H (Resolution).

10:01:12 a.m.

PA1 Certificate Of Appreciation To Be Presented To Steve Davidson And The Florida Moving Image Archive, For Their Efforts To Preserve The Film And Video Images Which Document The History And Culture Of Miami Beach.

(City Clerk's Office)
(Deferred from April 20, 2005)

ACTION: Robert Parcher, City Clerk, informed the City Commission that Steve Davidson, Archivist and Director of the Louis Wolfson II Florida Image, had to leave the meeting. Mr. Parcher, for the record, gave a summary of the accomplishments of Florida Moving Image and its mission and added that Mr. Davidson has worked closely with the City providing historic and preserved footage.

Mayor Dermer recognized Steve Davidson for his continued effort in providing the City with historical footage of Miami Beach. He also thanked Mr. Parcher for the "Mock" Commission Meeting and thanked all the students that participated in the re-enactment of the first Commission Meeting in costume.

New Item:

10:02:56 a.m.

Mayor Dermer introduced and welcomed Lester Sola, new Miami-Dade County Elections Department Supervisor.

Lester Sola, Supervisor of Miami-Dade County of Elections Department, spoke.

Commissioner Bower stated that there is still no paper trail of the votes and asked if there are still two weeks for the runoff.

Lester Sola, Supervisor of Miami-Dade County of Elections Department, explained that two weeks for the runoff is absolutely necessary. In answering Commissioner Bower's questions, he stated that the Elections Department is looking into switching to an optical type of system to have a quicker turn around time between elections that would provide the voter and the Elections Department with an actual paper ballot to maintain as an official record of the voter's choice, but explained that there is no paper trail available for any touch-based system in the State of Florida.

Commissioner Steinberg further explained that one of the negative facts of the one-week turn around time was for the Absentee Ballot voters. With the increased number of people who vote Absentee, two weeks gives them the ability to vote, and he believes that two weeks is adequate.

Mayor Dermer commended Commissioner Steinberg for his work during voter's registration in Miami Beach and its success.

Commissioner Smith asked Mr. Sola if the Florida Legislation made changes to the Absentee Ballot process, and whether the Elections Department is considering changing any procedures regarding this issue.

Lester Sola, Supervisor of Miami-Dade County of Elections Department, stated that a bill has been passed and is awaiting Governor Bush's signature, regarding Absentee Ballots and the time frame as to when the last date a voter can request an Absentee Ballot. The time frame has been moved back to Thursday, rather than Friday, to provide more opportunity for the department to mail them out on time and to receive them back in the office by Tuesday at 7:00 o'clock.

Mr. Lester explained to Commissioner Smith, in answer to his question, that one has to submit a request, signed by the voter. With Absentee Ballots the forms have to be signed by the voter, returned by mail, and if hand-delivered by someone other than a relative, it has to be accompanied by a letter from the voter.

New Item:

10:11:23 a.m.

Mayor Dermer introduced students visiting from Miami Business Community as part of their Master of Business English Courses from the E.F. International Language Institute, and recognized Valerie Lane, teacher, and the following students: Holger Dalsvaag from Norway, Gustavo Weisheimer, from Brazil, Oliver Schmid, from Switzerland, Alexandra Lebon from France, and Aurelie Legay from France.

PA2 Certificate Of Appreciation To Be Presented To Wendy Raphaely, Director Of Hands On Miami, For Exemplary Contribution To The Community During National Youth Service Weekend
(Requested by Vice-Mayor Luis R. Garcia)

ACTION: Item deferred.

9:57:28 a.m.

PA3 Proclamation To Be Presented Declaring National Emergency Medical Services Week.
(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Edward Del Favero, Assistant Fire Chief, spoke on the details of the two-year training program. He thanked Chief Parrino, Firefighter Azzinaro and Captain Yuhr for their efforts. He reminded everyone to attend the "Cheat the Reaper" program showcasing the rescue division and fire fighters at Miami Beach High School.

Mayor Dermer stated that "Cheat the Reaper" is a great and powerful program event where the students act as "victims" of DUI accidents, to show the aftermath event of a drinking and driving act, and the City Commission is very supportive of the program.

9:30:15 a.m.

PA4 Proclamation To Be Presented Declaring Public Works Week.
(Public Works)

ACTION: Proclamation presented.

Mayor Dermer commended the Public Works Department for the great job they do for the City.

Fred Beckmann, Public Works Director, presented a short video.

Jorge Gonzalez, City Manager, stated that the two most important aspects in the City are Public Safety and Public Works. If they do their job, it is not noticed, but when they do not do their jobs, is when the City notices it. He commended the Department of Public Works for doing a good job.

Vice-Mayor Garcia stated that Fred Beckmann is the best Public Works Director the City has ever had.

Fred Beckmann, Public Works Director, stated that this is a national celebration and added that the Public Works Department provides the infrastructure of the City. This year's theme is "Public Works is everywhere." He is very pleased and proud to represent the Public Works Department. The employees deliver continuously everyday the services that the City needs. One of the first responder will be a Public Works employee along side of a Policeman and a fire fighter.

10:14:51 a.m.

PA5 Proclamation To Be Presented Declaring May 7-15, 2005 As "National Tourism Week" In The City Of Miami Beach.

(City Manager's Office)

ACTION: Proclamation presented.

Mayor Dermer welcomed Mr. Talbert and reported that the resort tax numbers have set a new record for this year and last year, and he is glad that the City is finalizing a contract with the Bureau.

Bill Talbert, CEO of The Greater Miami Convention And Visitors Bureau (GMCVB), introduced staff members Ita Moriarty, Sr. Vice-President of Convention Sales, David Whitaker, Sr. Vice-President of Marketing and Tourism, George Neary, Cultural Tourism Director and Ginny Gutierrez, Community Relations. He acknowledged the partnership with the City Commission and Administration. He announced that today is "International Museum Day," and there are five museums on the beach featured. Mr. Talbert reviewed calendar year 2004 in tourism with record domestic tourism and an increase in national tourism, being last summer the most successful summer in the destination's history, up by 7½% from the year before. He also complimented the City Commission for their partnership in moving forward on the ballroom addition to the Miami Beach Convention Center as part of the General Obligation Bond issue passed. He summarized the challenges the GMCVB is facing, such as international visitations, which are not yet back to pre-9-11 numbers and may not be for over a year, although domestic is flourishing. He informed the City Commission on the Super Bowl activities, which are scheduled to visit Miami Beach February 4, 2007.

Mr. Talbert introduced students from Miami Beach Senior High, Kenia Garcia, Colby Goncalves and Vanessa Londono, who participated in the Academy of Travel and Tourism and received an award first in the state, and third in the nation overall, as part of the American Hotel and Lodging Association Educational Institute for Event Planning.

10:12:22 a.m.

PA6 Certificate Of Appreciation To Be Presented To Pola Reyburd For Serving On The Art In Public Places Committee.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower expressed her appreciation for the work Pola Reyburd has done for the City as Chairperson in the Committee for many years, and for her effort in helping pass the ordinance that funds Art in Public Places, and hopes she continues to be involved.

Pola Reyburd spoke.

10:26:10 a.m.

PA7 Certificate Of Appreciation To Be Presented To Michael Aller, For His Devotion, Support And Participation Each Year At The Women Worth Knowing Event.

(Requested by Mayor David Dermer)

ACTION: Certificate presented.

Diana Susi, Chairperson of the Commission on the Status of Women, thanked Michael Aller, for his support, and Bernice Martinez and Marjorie York for their contributions.

Michael Aller, Tourism and Convention Director, thanked everyone.

9:42:27 a.m.

PA8 Certificates Of Appreciation To Be Presented To The Crime Prevention Unit Of The Miami Beach Police Department.

(Police Department)

ACTION: Certificates presented on behalf of Dr. Martin Karp, of the Miami-Dade School Board to the Crime Prevention Unit of the Miami Beach Police Department accepted by Chief De Lucca and Sgt. Richard Clemmens, to the Miami Beach Police Athletic League, accepted by President Ken Stowe; to the Miami Beach Community Health Center, accepted by Executive Director, Cathy Abbate, to the Bal Harbour Police Department, accepted by Chief Tom Hunker, to the North Bay Village Police Department, accepted by Chief Scott Israel, to Southern Wine and Spirits, accepted by Sgt. Richard Clemmens, to the United Automobile Insurance Company, accepted by Priscilla Eidam on behalf of Richard Parrillo, President; and to Joe Matthews for developing the kit.

Mayor Dermer explained he was privileged to kick-off the DNA Life Print event about two weeks ago, and stated that Joe Matthews has done a great job in working with John Walsh on a program to better protect kids. The kit deals with taking a saliva sample swab from a child, putting it in a solution, and it has a shelf life of 80 years, and is a DNA sample on hand. He added that every parent should look into this new program sponsored by the Police Athletic League (PAL).

Bernie Weiner introduced Joe Matthews, who developed the kit and put the program together with the sponsorship of John Walsh.

Joe Mathews, retired Miami Beach Police Officer, explained how the bill was passed and how the program was developed with the help of John Walsh.

Mayor Dermer recognized Gerald Blumstein and Dr. Karp with the Miami-Dade School Board in the audience.

Chief Chuck Press from Key Biscayne was also recognized by Bernie Weiner for his participation in the program.

Handout or Reference Materials:

1. Color brochure titled "Safety Guidelines Every Parent Must Know!" America's Protector, John Walsh - DNA Life Print, Inc. DNA Legacy Kit,

CONSENT AGENDA

ACTION: Motion made by Commissioner Smith to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee Of A Proposed Amendment To The Agreement Between The City Of Miami Beach And Edwards And Kelsey, Inc. For The Planning And Design Of The Venetian Islands Neighborhood Improvement Project To Provide For Additional Professional Services.

(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the committee agenda. Jorge Chartrand to handle.

- C4B Referral To The Finance And Citywide Projects Committee Of A Proposed Amendment To The City's Agreement With Glatting Jackson Kercher Anglin Lopez Rinehart For The Planning And Design Of The West Avenue Neighborhood Right Of Way Improvement Project To Provide For Additional Professional Services In The Amount Of \$134,009 Required To Implement The Project.

(Capital Improvement Projects)

ACTION: Referred. Patricia Walker to place on the committee agenda. Jorge Chartrand to handle.

- C4C A Referral To The Finance And Citywide Projects Committee – Discussion Regarding The Status Of The 1996 Swap-Option Agreement On The Series 1994 Taxable Pension Special Obligation Bonds Between The City Of Miami Beach And Morgan Stanley Capital Services, Inc.

(Finance Department)

ACTION: Referred. Patricia Walker to place on the committee agenda and to handle.

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding Refunding Of The Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1993 And 1996.

(Finance Department)

ACTION: Referred. Patricia Walker to place on the committee agenda and to handle.

C4E Referral To The Neighborhood/Community Affairs Committee - Discussion On Amended Noise Ordinance.)

(City Manager's Office)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Robert Middaugh to handle.

11:38:19 a.m.

C4F Referral To The Planning Board - An Ordinance To Provide That Appeals From The Historic Preservation Board, The Board Of Adjustment And The Planning Board, Go To The City Commission Before Taken To A Special Master Or Circuit Court.

(Requested by Commissioner Simon Cruz)

ACTION: Item separated for discussion by Commissioner Steinberg. Motion made by Commissioner Cruz to have a draft of the proposed ordinance placed on the June 8, 2005 Commission Agenda for discussion; seconded by Vice-Mayor Garcia; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Cruz stated that since his last election, he has been approached by a group of citizens from the Collins Park area because they felt disfranchised. He explained that these citizens felt that way because the appeals they had, specifically appeals to the noise ordinance, that do not go in front of the City Commission. The Planning Board and other boards hide behind the fact that appeals have to go to the courts. The citizens felt that they elected the City Commission to make the tough decisions and the City Commission is side stepping those decisions. He stated that in 1994 the process was changed and appeals no longer went in front of the City Commission. The citizens are requesting revision of this process. He stated that the reason he is referring this issue to the Planning Board is so that the citizens have a chance to air their grievances and for the board to discuss these issues.

C6 - Commission Committee Reports

C6A Report Of The Finance And Citywide Projects Committee Meeting Of April 8, 2005: 1) Discussion Regarding The City's Plans For Improvements To Streets Not Covered By The City's General Obligation Bond; 2) Status Report Regarding Miami-Dade County General Obligation Bond Issue - City Of Miami Beach Projects; 3) Capital Improvement Projects - Processes, Funding, And Schedules; And 4) Discussion Regarding A Proposed Amendment To EDAW's Agreement With The City Of Miami Beach For The Planning And Design Of The Flamingo Neighborhood Right Of Way Improvement Project.

ACTION:

Item 1:

No action necessary. Presentation was given.

Item 2:

No action necessary. Status report was given.

Item 3:

No action necessary. Presentation was given.

Item 4:

The Committee moved the item to the full Commission for discussion. **See item Resolution No. 2005-25868.**

- C6B Report Of The Neighborhood/Community Affairs Committee Meeting Of April 26, 2005: **1)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" By Amending Code Sections 2-487 Entitled "Prohibited Campaign Contributions By Vendors," 2-488 Entitled "Prohibited Campaign Contributions By Lobbyists On Procurement Issues," Section 2-489 Entitled "Prohibited Campaign Contributions By Real Estate Developers," And Section 2-490 Entitled "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues," By Adding Language Providing That The 12 Month Period In Which A Prohibited Donor Of A Campaign Contribution Is Disqualified From Certain Specified Associations With The City Shall Commence Upon A Final Finding Of Violation, Or If Applicable, Upon Miami Beach City Commission Action On A Waiver Request; Providing For Repealer, Severability, Codification, And An Effective Date; **2)** Discussion Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach; Providing For Codification, Repealer, Severability, And An Effective Date; **3)** Discussion Regarding Automated External Defibrillators; And **4)** Discussion Regarding Recommendation From The Art In Public Places Committee To Amend The Naming Of Public Facilities And Establishment Of Monuments Or Memorials Ordinance, Specifically Regarding Procedures For Reviewing Proposals And Requests For Monuments And Memorials.

ACTION:

Item 1:

The Committee moved to bring this item to the next meeting of the full City Commission with some revisions/additions in language to the ordinance as follows:

Maintain existing waiver language within the vendor ordinance and add language calling for a limited waiver option.

Add to all four ordinances of the campaign finance reform language providing for the twelve month disqualification period for violations to be triggered from the date of the finding of violation, not from the date the donee/candidate is sworn in. **See Agenda Item R5E.**

Item 2:

The Committee moved to approve the ordinance and bring to the full City Commission meeting scheduled for May 18, 2005 for second reading. **See Agenda Item R5A.**

Item 3:

The Committee moved to amend the ordinance to limit the defibrillators to public city buildings, large condos, hotels and restaurants with 200 seats or more and return the item to the Neighborhood/Community Affairs Committee meeting. **Chief Jordan to handle.**

Item 4:

Item deferred to the next Neighborhood/Community Affairs Committee meeting. **Vivian Guzman to place on the Committee Agenda.**

C6C Report Of The Finance And Citywide Projects Committee Meeting Of April 27, 2005: **1)** Discussion Regarding The City Of Miami Beach And Boucher Brothers Miami Beach, LLC Concession Agreement; **2)** Discussion Regarding The Miami Beach Marina Submerged Land Lease; And **3)** Discussion Regarding An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date.

ACTION:

Item 1:

The Committee moved the item to the full Commission, recommending approval of the proposed agreement. **See Agenda item C7C.**

Item 2:

The Committee moved the item to the full Commission. **See Agenda item R7G.**

Item 3:

The Committee moved the item to the full Commission, recommending staff incorporate a seven day standard, as oppose to the original three day standard, into the ordinance as a reasonable definition of the time for which a vessel could be considered in or out of navigation. **See Agenda item R5D.**

C6D Report Of The General Obligation Bond Oversight Committee Meeting Of May 2, 2005: **1)** Contingency Report; **2)** Discussion Items: A) October 10, 2005 Committee Meeting; B) Discussion Regarding Community Meetings In April - Flamingo/Lummus Neighborhood (Drexel Avenue) Community Design Review Meeting (CDRM); C) Community Outreach Sub-Committee Report; D) Encroachment Policy; **3)** Project Status Report: A) Fire Station No. 2; B) Fire Station No. 4; C) Normandy Isle Park And Pool; And **4)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Updated Committee Membership; C) April 8, 2005 CIP Office Presentation To Finance And Citywide Projects Committee; D) EDAW Flamingo Lummus Additional Services; E) Normandy Isle Park; And F) Normandy Isle Pool.

ACTION: Item separated for discussion by Commissioner Bower. Section B, above, the Flamingo/Lummus Neighborhood (Drexel Avenue), the Las Ramblas piece was referred to the Land Use and Development Committee to discuss design issues. Item referred without objection. Jorge Gomez to place on the committee agenda. Jorge Chartrand to handle.

A future Commission Workshop needs to be scheduled to discuss the Las Ramblas encroachments and the encroachment issue in general. Jorge Chartrand to handle.

Item 1:

The Administration informed the Committee that 5 change orders on the Fire Station No. 2 project had been approved. A list of the change orders approved to date is attached as "Exhibit A".

Item 2A:

The Committee decided to keep its October 10, 2005 Committee Meeting date as scheduled.

Item 2B:

A discussion was held regarding the **Community Meetings** held in April. Specifically, the discussion revolved around the Community Design Review Meeting (CDRM) for the Flamingo/Lummus

Neighborhood project. A committee member raised concern that residents may not be fully aware of what improvements were planned for the Drexel Avenue piece of that project and the impact on existing conditions those planned improvements would have. A few community members expressed their agreement with the concern raised. The Administration outlined how the improvements came about. The Drexel Avenue piece of the project was planned to be a connector between Espanola Way and Lincoln Road. During the planning phase, consensus was achieved on the planned improvements, what the A/E Consultant has termed "Las Ramblas". The adopted Basis of Design Report (BODR) included the Las Ramblas improvements. At the CDRM meeting in April, attendees from the Drexel Avenue area in particular were split on whether or not to implement the Las Ramblas design. The main issues that raised concern were traffic and parking impacts. However, the attendees from the overall neighborhood supported the Las Ramblas concept. The Administration has heard the concerns. The planned improvements are in the BODR and the designs are at 60% design. If the community consensus has changed, the Administration needs to know so the design can be addressed accordingly so that the designs don't move forward too far to address it later.

Item 2C:

A sub-committee had been organized to address the role of the Committee with regard to enhanced **Community Outreach**. The sub-committee recommended that additional information be provided to the Committee regarding any elements that affect GO Bond project timetables, including shortfalls. The details and format still have to be developed. The sub-committee also recommended that repetitive information in the Committee's agenda, including the Contingency Report and the Project Status Report, be eliminated. Reports would be on an exception base only, where there are changes in budgets and/or timetables or individual projects that warrant attention by the Committee. The sub-committee also recommended that a quarterly budget status report be developed, which compares actual versus budgeted costs, as well as original and revised budgets. Lastly, the sub-committee recommended that the Administration provide the Committee with an updated scheduling and project sequencing report once a year. These changes will give a broader picture of neighborhood projects, delays (including magnitude and reasons for them), and financial impacts. Ideas on how to implement these changes will be brought back to the Committee before they are finalized.

Item 2D:

The Administration presented the Committee with a summary of a proposed process that the Administration is considering adopting in order to remove **private encroachments on public property** that must be addressed in order construct the Neighborhood Right-of-Way Infrastructure (ROW) Improvement Program. As the City has been planning and designing the ROW projects, the A/E consultants have identified private encroachments on public property. These encroachments need to be addressed before the City can begin construction of the ROW projects. Encroachments have been classified by staff into four types (Encroachment Types (ET) 1, 2, 3 and 4). The ET 1 and 2 encroachments must be removed in order to construct the projects. ET 3 and 4 encroachments do not necessarily impede the construction of the projects, but must also be addressed, as they are encroaching on public property.

These private encroachments typically need to be removed to address several initiatives:

- 1) Construction of Planned Improvements;
- 2) Traffic (Vehicular & Pedestrian) Safety
- 3) Protect Purpose of Swale
 - a) Alleviate/Mitigate Stormwater Flooding (localized)
 - b) Improve Biscayne Bay Water Quality
- 4) Remove Invasive/Non-Native Plantings
- 5) Provide for Consistent Landscaping Throughout Neighborhood

The Administration would initially notify the respective owners so that they may remove the necessary encroachments at their own expense. Additional notifications would be made, but if the private encroachments are not removed by the owner, the City will remove the necessary encroachments in

order to implement the projects. The Administration will be holding a City Commission Workshop to further discuss this issue, and determine a process to address the encroachments.

The Committee discussed the impact of addressing these encroachments, both on the residents and the implementation of the construction projects. The main focus of the discussion was on those encroachments, whether permitted or not, that would be the most difficult to remove, such as the encroachments on Drexel Avenue in the Flamingo/Lummus Neighborhood, and the experience in the South Pointe Streetscape Phase I project. These include walls, fences, fountains, and buildings. The concept of the City being the owner of the public ROW, and residents impinging on that ROW, was discussed. The proposed notification and community outreach process was discussed. The Committee will be advised as to when the City Commission Workshop will be held.

Item 3A:

The Administration informed the Committee that the **Fire Station No. 2** project conflicts between the pilings and the foundation of the existing building have been resolved, and the pilings are almost complete. Underground work will begin after those pilings are complete.

Item 3B:

The Committee was told that the site work for the **Fire Station No. 4** project was underway. Drainage, water lines, irrigation are underway. Electrical and stormwater connections are being made. The grade slab will be poured soon. The seawall is almost complete.

Item 3C:

With regard to the **Normandy Isle Park and Pool** project, the Administration has received communication from the Surety that they are moving forward with the Invitation to Bid (ITB) for a replacement contractor. The Surety has not yet provided a date for the ITB conclusion. The City is still working with the Surety and will continue to seek all remedies with the Surety to finish the pool project. The park portion of the project is under construction. Site work and grading is being done now. The Administration is still negotiating prices for drainage and other aboveground components with a JOC Contractor.

Item 4A:

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item 4B:

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item 4C:

The Administration presented the Committee with a copy of a memo that went to the April 8, 2005 Finance and Citywide Projects Committee regarding the Capital Improvement Projects and the policies, processes and funding related to the projects.

Item 4D:

The Administration presented the Committee with a copy of a City Commission Resolution that awarded EDAW additional services for the Flamingo/Lummus Neighborhood ROW project.

Item 4E:

The Committee was advised of a Resolution the City Commission adopted appropriating additional funds for the Normandy Isle Park project to proceed with the construction of the Park.

Item 4F:

The Committee was advised of a Resolution the City Commission adopted appropriating additional

funds for the Normandy Isle Pool project.

- C6E Report Of The Land Use And Development Committee Meeting Of May 9, 2005: **1)** Discussion Regarding The Zoning Of Religious Institutions In The RS-4 District; And **2)** Discussion Regarding An Ordinance For Evaluation Of Older Buildings Recommended By The Mayor's Blue Ribbon Panel On Structural Integrity Of The Building; And **3)** Discussion Regarding An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date.

ACTION:

Item 1:

Motion: Study options of two overlay districts that cover the 47th Street and 40th Street areas or a combination of Land Development Regulation changes on 47th Street and overlay on 40th Street. Come back to the Land Use and Development Committee on July 11, 2005. Gross/Bower Vote 4-0.

Item 2:

Motion: Send proposed Ordinance to Historic Preservation Board and Planning Board and Design Review Board for their input and review. Gross/Bower Vote 4-0. **Jorge Gomez to handle.**

Item 3:

Motion: Commissioner Bower, as City Commission liaison, will reach out to property owners after Public Works provides a list of all existing encroachments. Gross/Bower Vote 3-0. **Fred Beckmann to provide list of encroachments to Commissioner Bower.**

C7 - Resolutions

11:29:14 a.m.

- C7A A Resolution Authorizing The Mayor And City Clerk To Execute A First Amendment To That Certain Lease Agreement By And Between The City Of Miami Beach And UNIDAD Of Miami Beach, Inc., Dated November 8, 2000, For A Portion Of The City-Owned South Shore Community Center, Located At 833 - 6th Street, Miami Beach, Florida.
(Asset Management)

ACTION: Item separated for discussion by Commissioner Steinberg. Resolution No. 2005-25881 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer. Joe Damien to handle.

Commissioner Steinberg stated that because there is financial impact he requested the item to be referred to the Finance and Citywide Projects Committee.

Victor Diaz explained the actions being taken.

Joe Damien, Asset Manager, explained the history of the renovations and the space allocation.

Commissioner Gross commended UNIDAD and the South Florida Workforce and thanked Victor Diaz for volunteering his time. He also requested that the Administration confirm that all tenants have the appropriate insurance. **Joe Damien to handle.**

Commissioner Cruz stated that Victor's job is commendable for rehabilitating the properties and the human beings.

Vice-Mayor Garcia stated that he was impressed with the operation. He also stated that he spoke with Victor about the potential liability to the City and asked what has been done about it.

Victor Diaz stated that this Commission was very supportive in wanting to see the facility renovated. He stated that the work has begun at the South Shore Community Center and thanked Brad Judd and Vivian Alemany with the City's Property Management Division.

- C7B A Resolution Retroactively Approving A Sublease By And Between Jacques Auger Design Associates, Inc. (The City's Lessee) And Internal Intelligence Service, Inc. (Sublessee) For The Use Of Approximately Six Hundred Twenty-Seven (627) Square Feet Of Office Space, On The 6th Floor Of Historic City Hall, Located At 1130 Washington Avenue, Miami Beach, Florida.
(Asset Management)

ACTION: Resolution No. 2005-25882 adopted. Joe Damien to handle.

11:53:15 a.m.

Supplemental Materials (Additional Information):

- C7C A Resolution Authorizing The Mayor And City Clerk, To Execute An Amended And Restated Concession Agreement By And Between The City Of Miami Beach And Boucher Brothers Miami Beach, LLC, For The Management And Operation Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace And North Shore Open Space Park, Miami Beach, Florida.

(Asset Management)

ACTION: Item separated for discussion by Commissioner Bower. Resolution No. 2005-25884 adopted and the Concession Agreement amended. Motion made by Commissioner Gross; seconded by Vice-Mayor Garcia; Voice vote: 7-0. Joe Damien to handle.

Modifications to the following sections of the Amended and Restated Concession Agreement were read into the record as indicated below by underlined (new language) and ~~struck through~~ (deleted language):

Section 2.1.5: Northern Handicap Zone:

With regard to the area bounded to the south by a line 50 feet south of the northern boundary of this Concession Area, to the north by the northern boundary of this Concession Area, and bounded to the east and west by the easternmost and westernmost boundaries of this Concession Area, respectively, Concessionaire shall not deploy any equipment, unless specifically requested by a handicapped patron.

City and Concessionaire acknowledge that as of the Commencement Date of this Agreement, there are a total of six (6) lifeguard stands/facilities existing within the Lummus Park Concession Area and two (2) additionally proposed lifeguard stand/facility locations (location of which shall be determined by the City Manager or his designee) which for purposes of this Subsection 2.1 shall be considered as if they were also existing, bringing the total number of lifeguard stands/facilities to eight (8). As such, City and Concessionaire agree that if and when the total number of lifeguard stands/facilities in the Area is ten (10), then, in the event more lifeguard stands/facilities are added, the size of the buffer area around the lifeguard stands/facilities shall be reduced so as not to further reduce the size of the Concession Area.

The City and Concessionaire agree and acknowledge that the public's use of the Concession Area ~~beach~~ is of prime consideration; accordingly, with regard to this Concession Area, the Concessionaire shall at all times use reasonable efforts to strive to maintain approximately forty nine (49%) percent of the beach frontage within the entire Lummus Park beach area free and clear of Concessionaire facilities, beach equipment, and watersport equipment, so that such portion of the beach may remain free and clear for the public's use and enjoyment.

Section 3.1.4:

The parties acknowledge that Concessionaire's patrons may themselves relocate chairs and other beach equipment within a Concession Area and/or to an immediately adjacent "Buffer Zone". Such relocation shall be permitted, provided that, in the aggregate, Concessionaire does not materially alter, or allow to be materially altered, the configuration of a particular Concession Area, as set forth in the site plan(s) approved pursuant to Exhibit(s) 3.1.2, and/or an adjacent "Buffer Zone". In the event of this occurrence, Concessionaire shall immediately correct any material alteration within a Concession Area to bring same back into substantial conformance with the approved site plan(s).

Moreover, if Concessionaire determines to replace a certain number of standard chairs with luxury chairs (above the number of luxury chairs currently permitted under this Agreement) at any time (not to exceed the aggregate maximum number of chairs permitted under this Agreement), thereafter if any member of the public desires a standard chair which is unavailable due to such replacement, Concessionaire shall offer and provide a luxury chair at the standard chair rate.

Joe Damien, Asset Manager, explained the following which was also added as modified language to Section 3.1.4:

Notwithstanding anything in this Subsection 3.1.4, the City's Beach Patrol shall at all times have the sole and absolute discretion to require Concessionaire, and/or Concessionaire's patron's, to relocate chairs and other beach equipment, in the event that such chair and/or beach equipment in any way impede or obstruct sightlines, or have any other effect whatsoever which would directly or indirectly impede the performance of Beach Patrol activities. Notwithstanding, the Beach Patrol's right to require relocation of chairs and/or beach equipment as provided herein, Concessionaire will cooperate with Beach Patrol in compliance with the preceding sentence.

Section 10.2.1:

Concessionaire shall also be permitted to locate and maintain, including landscaping, at Concessionaire's sole cost and expense, a twenty five (25) foot by twenty five (25) foot fenced storage area adjacent to the dumpster area on the north side of the 10th Street Auditorium, in accordance with Exhibit 10.2.1, for umbrella and chair storage only. Said fenced storage area shall be approved by the City's Planning Department and ~~or~~, if deemed necessary by the City, by any other applicable authority.

Joe Damien, Asset Manager, also explained the following.

Section 4.2 and 4.2.1:

The language will be clarified on Section 4.2 and 4.2.1 abbreviations on Minimum Guarantee and the Percentage of Gross. There were Scribner's errors in that area, which were not substantial, nor impact the terms of the agreement.

Jerry Marsh spoke.
Sidney Goldin spoke.
Erika Brigham spoke.

Joe Damien, Asset Manager, stated that he is satisfied with the service the Boucher Brothers are providing and he definitely recommends the approval of the agreement.

Commissioner Smith is concerned about the North Shore Opens Space Park (NSOSP) concession. He also stated that he is told that the reason the concessionaire can't be at NSOSP is because the lifeguard stands are so far back that chair and umbrellas will disrupt the view of the guards. If this is true, can an exception be made?

Joe Damien, Asset Manager, stated that he has reviewed this with the lifeguard captain and in certain areas in NSOSP the lifeguard stands can be moved forward and/or locations in between lifeguard stands may be identified to allow for concession location. This will be reviewed by the end of the week and an LTC will be sent. **Joe Damien to handle.**

Steve Boucher, Boucher Brothers, stated that as soon as the lifeguard stands are moved he will start the concession.

Commissioner Smith stated that his other question deals with the inspection and audit.

Joe Damien, Asset Manager, stated that the concessionaire could not get a CPA to do the certification for a reasonable fee.

Patricia Walker, Chief Financial Officer, stated that the fee for this type of audit is very expensive due to the number of times the CPA would need to do a site visit and do a physical check.

Michael Milberg explained the problem and mentioned that the City will implement a secret shopper program, paid for by the concessionaire, to do spot checks. He thanked the Administration, Fred Beckmann and everyone involved for doing a great job.

Commissioner Bower stated, for the record, that she is concerned about moving of the chairs and if a patron wants to put their chair in the concession area, that they are allowed to do so.

Michael Milberg stated that chairs are not moved out of the concession area.

Handout or Reference Materials

1. Email to Commissioner Steinberg from Clotilde Luce, dated May 13, 2005, RE: May 18 Beach concession agreement questions as to fairness, and accounting for City

Supplemental Materials (Resolution):

- C7D A Resolution, Authorizing The Administration To Issue Request For Qualifications (RFQ) No. 22-04/05 For Professional Building Inspection And Plans Review Services In Various Disciplines On An "As-Needed Basis" And An "On-Going Basis," For The Building Department, Whenever There Are Vacancies Of Inspector And Plans Review Positions Until Such Time That Vacancies Are Filled With Permanent Staff; Further, Extending The Term Of The Existing Agreement With The Firm, M.T. Causley, Inc. Dated March 1, 2004 Until The New Contracts Are Awarded.
(Building Department)

ACTION: Resolution No. 2005-25885 adopted. Hamid Dolikhani to handle.

- C7E A Resolution Authorizing An Intergovernmental Agreement For Fleet Maintenance And Repair Services Between The Village Of Key Biscayne, Florida, And The City Of Miami Beach, Florida.
(Fleet Management)

ACTION: Resolution No. 2005-25886 adopted. Drew Terpak to handle.

- C7F A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) To Determine If It Is In The City's Best Economic Interest To Award A Contract For Dry Cleaning And Laundering Services For City Of Miami Beach Uniformed Employees In Lieu Of Paying Employees A Cleaning Allowance.
(Labor Relations)

ACTION: Resolution No. 2005-25887 adopted. Gus Lopez to issue RFP. Linda Gonzalez to handle.

- C7G A Resolution Setting A Preliminary Public Hearing For June 8, 2005, Pursuant To Code Section 118-705(B)(1), "Procedures For The Adoption Of Specific NCD Overlay Districts," In Order To Consider The Merits Of A Proposed La Gorce Island Neighborhood Conservation District.
(Planning Department)

ACTION: Resolution No. 2005-25888 adopted. Public Hearing scheduled for June 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Material

1. Color aerial of La Gorce Island, color photographs, and color procedures for Adoption of a Neighborhood Conservation District

City Clerk's Note: Notice: No less than 15 days/ Neighbors/ no less than two columns by 10 inches/ heading 18 points/ mail 375 feet

- C7H A Resolution Authorizing The Mayor Or His Designee, And The City Clerk To Execute A Professional Services Agreement Between The City Of Miami Beach, Florida And The State Attorney's Office For The Eleventh Judicial Circuit In And For Miami-Dade County, Florida For Criminal Prosecution Of Local Code And Ordinance Violations.
(Police Department)

ACTION: Resolution No. 2005-25889 adopted. Chief De Lucca to handle.

12:26:51 p.m.

- C7J A Resolution Authorizing The Appropriation Of \$205,000 From The Miami Beach Share Of The County's Fiscal Year 2004-05 Peoples' Transportation Plan (PTP) Funds, For The Painting Of Approximately Seventy (70) Miami Beach Traffic Signal Posts And Mast Arms.
(Public Works)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2005-25890 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Gross and Steinberg. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Commissioner Gross questioned whether the PTP funding is the proper source of funding to paint traffic signals and mast arms.

Fred Beckmann, Public Works Director, explained the funding and other street improvement efforts.

Commissioner Smith complained about the painting peeling off the light poles in North Beach and stated that the funding source is appropriate.

Commissioner Steinberg stated that he doesn't believe this PTP is the proper funding source.

12:37:07 p.m.

Supplemental Materials (Resolution and Agreement):

- C7J A Resolution Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With McMahon Associates, Inc., In The Amount Of \$76,015.00, For The Preparation Of Phase I - Conceptual Plan Report For A Sixteenth Street Operational Improvements And Enhancement Project; Utilizing \$75,000 In Funds Appropriated For The Purpose By Resolution No. 2004-25589, Dated June 9, 2004; And Pursuant To Resolution No. 2005-25784, Dated January 27, 2005, Which Authorized Contract Negotiations; And Further Authorizing The Appropriation Of An Additional \$1,015 In Concurrency Mitigation / South Beach Funds To Cover The Negotiated Contract Price.
(Public Works)

ACTION: Item separated for discussion by Commissioner Gross. Item referred. Motion made by Commissioner Bower to refer the item to the Land Use and Development Committee; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Vice-Mayor Garcia. Jorge Gomez to place on the committee agenda. Fred Beckmann to handle.

Commissioner Gross stated that he does not want to see this study turned into an exercise on how to move more traffic on 16th Street and having turned into a major collector road. He added that this is a residential street within the context of the Art Deco district. He was told that this item was to get landscaping or drainage money.

Commissioner Cruz stated that 16th Street in the past had been seen as becoming a major thoroughfare to get to and from the Convention Hotel. This does not seem to be a good idea. This street should be inviting and pedestrian, not a speedway.

Commissioner Bower expressed her concern in regards to the street bump-outs that are changing the character of the historic district and agreed with resurfacing plans and/or planting shade trees in the area.

Fred Beckmann, Public Works Director, explained why this is needed.

Jorge Gonzalez, City Manager, stated that this project is part of the Municipal Mobility Plan.

Commissioner Gross stated he agrees with resurfacing the street and adding landscaping.

Motion made by Commissioner Bower to refer this issue to the Land Use and Development Committee.

Vice-Mayor Garcia explained why he will vote against the referral.

Supplemental Materials (Resolution):

C7K A Resolution Approving Subject To Final Approval Of Same By The Authorized Officials In Miami-Dade County, The Proposed Final Plat Of "Meadowood Gardens," A Replat Of Lots 1 Through 12, Block 1 And Tracts "A-9," "B-9" And "C-9" Of Lindisfarne On Fisher Island Section 9, As Recorded In Plat Book 149, Page 86 Of The Public Records Of Miami-Dade County, Florida, Together With A Portion Of Unsubdivided Section 10, Township 54 South, Range 42 East, City Of Miami Beach, Miami-Dade County Florida.

(Public Works)

ACTION: Resolution No. 2005-25891 adopted. Fred Beckmann to handle.

C7L A Resolution Approving The Proposed Final Plat Of The "Apogee," Being A Portion Of The Northwest ¼ Of Section 10, Township 54 South, Range 42 East, City Of Miami Beach, Miami-Dade County Florida, And Authorizing The Appropriate City Officials To Execute The Plat On Behalf Of The City.

(Public Works)

ACTION: Resolution No. 2005-25892 adopted. Fred Beckmann to handle.

C7M A Resolution Authorizing Appropriation Of \$406,250 From The Water And Sewer Revenue Series 2000 Bond Fund 424, For Construction And Maintenance Projects And Establishment Of Work Orders For The Firm Camp Dresser & McKee (CDM) To Conduct Citywide Water And Sewer Engineering Services Under Phase II (Task 5 - Engineering Studies, Investigation, Design And Analysis Of Estimated Costs) Of The Scope Of Services Listed in RFQ 35-01/02.

(Public Works)

ACTION: Resolution No. 2005-25893 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

C7N A Resolution Authorizing The Mayor, Or His Designee, And The City Clerk To Execute A Mutual Aid Agreement With The City Of Fort Lauderdale, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The City Of Fort Lauderdale.

(Police Department)

ACTION: Resolution No. 2005-25894 adopted. Chief De Lucca to handle.

4:22:07 p.m.

C70 Appointment Of Chief Special Master.

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager And City Attorney, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master, Commencing May 30, 2005, And Ending December 31, 2005, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach City Code Chapter 30, Section 30-37(A) Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Item separated for discussion by the Administration. Resolution No. 2005-25895 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Robert Parcher to handle.

2. A Resolution Accepting The Recommendation Of The City Manager And City Attorney, Pursuant To Sections 30-36 And 102-356 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master Pursuant To Chapter 30 Of The City Code And To Serve As "Designee" Pursuant To Section 102-356 Of The City Code, Commencing May 30, 2005, And Ending December 31, 2005, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of City And County Code Codes And Ordinances, And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses, Certificates Of Use And Permits As Provided By The City Code, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

ACTION: Item separated for discussion by the Administration. Resolution No. 2005-25896 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Robert Parcher to handle.

3. A Resolution Accepting The Recommendation Of The City Manager And City Attorney Concerning The Compensation Of The Chief Special Master, Establishing A Base Rate Of Two Hundred And Fifty Dollars (\$250) Per Hour, To Be Paid To The Chief Special Master To Perform Administrative Duties, Capped At Five Thousand Dollars (\$5,000), And Further Provides That If The Chief Special Master Sits As One Of The Special Masters Hearing Cases, His Compensation Shall Be Two Hundred And Fifty Dollars (\$250) Per Hour, Capped At One Thousand Two Hundred And Fifty Dollars (\$1,250) Per Hearing Session.

(City Clerk's Office)

ACTION: Item separated for discussion Administration. Resolution No. 2005-25897 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Robert Parcher to handle.

Jimmy Morales spoke.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:28:50 a.m.**

R5A An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sexual Offenders And Sexual Predators" And Creating Sections 70-400, Entitled "Findings And Intent," 70-401, Entitled "Definitions," 70-402, Entitled "Sexual Offender And Sexual Predator Residence Prohibition; Penalties; Exceptions," Providing For A Prohibition For Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach And Creating Section 70-403, Entitled "Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders And Sexual Predators; Penalties," Prohibiting Owners Of Real Property From Renting Or Leasing Any Place, Structure, Or Part Thereof, Trailer Or Other Conveyance Located Within 2500 Feet Of Specified Locations Within The City Of Miami Beach To Sexual Offenders And Sexual Predators Convicted Of Crimes Under Certain Florida Statutes; Providing For Codification, Repealer, Severability, And An Effective Date.

10:15 a.m. Second Reading, Public Hearing.

(Requested by Mayor David Dermer)

(First Reading on April 20, 2005)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. Third Reading and Second Public Hearing scheduled for June 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendment:

1. Add language that any grandfathered sexual offender be registered with Miami Beach so that there is not any unregistered sex offender living in the City.
2. Add language to the ordinance to take into consideration along with property rental the "sales of property."

Incorporate into the record language from all previous meetings.

Mayor Dermer gave a chronology of how this ordinance arrived at this point. The idea behind this ordinance came from an existing Florida Law, which has a current requirement of 1,000 ft. separation from sexual offenders and places where children congregate. He stated that the main focus of this ordinance is to keep convicted sexual offenders and predators as far way from our children as possible. There is a current Florida Statue that deals with a 2,500 ft. distance separation of adult book entertainment venues from schools; it should be the same 2,500 ft. distance separation for convicted sexual offenders and predators. He thanked his colleagues for adding a lot of substance to the ordinance. He thanked Commissioner Steinberg who helped with technical residency issues. He thanked Commissioner Smith for his innovating idea for enforcing this ordinance and in a civil capacity as well. He is proud for this Commission to be the first one to adopt this measurement. He commended Roberto Datorre, Assistant City Attorney, because he has been outstanding in the research and development of the ordinance.

Roberto Datorre, Assistant City Attorney, explained the ordinance and stated the following exceptions:

- 1) It only grandfathers those sexual offenders that are currently living within the 2,500 ft., and anyone else cannot move in regardless of the conviction date.

Commissioner Steinberg asked if somebody moves within the City of Miami Beach, are they able to

reestablish the new residence.

Roberto Datorre, Assistant City Attorney, explained that pursuant to the ordinance the person establishes residence prior to July 2, 2005. He also explained that another exception will be for minors convicted as such; they will have to live with family and abide by the 2,500 ft. On the section of the property owner prohibited from renting real property for sexual predators and sexual offenders, the language was extracted from the State Statutes that prohibits landlords from knowingly renting property that will be used for illegal activities, such as drugs or prostitution. He explained that this is not a criminal violation, but a code violation.

Mayor Dermer stated that when a sex offender moves into a neighborhood, the police department gives notice to the landlord.

Commissioner Bower suggested that landlords be given information on this new ordinance.

Sergeant Robert Hundevadt stated that offenders by statutory requirement must report at a local law enforcement agency in their jurisdiction; a website is maintained and the law enforcement agency is required to make contact with them and make address verification within 48 hours of being noticed, then flyers and community notifications are distributed.

Commissioner Steinberg stated that if a lease is in violation of any law it is an illegal lease.

Commissioner Gross asked if there a potential for a civil liability on behalf of the landlord who unknowingly rents to a sexual offender or predator by virtue of this provision?

Mayor Dermer stated that the actual notice given by the Police Department is sufficient.

Vice-Mayor Garcia stated that the responsibility of enforcing the landlord portion is going to be with the Police Department.

Roberto Datorre, Assistant City Attorney, read cases into the record that states that this ordinance is constitutional.

Ron Book spoke.

Joe Mathews retired Miami Beach Police Officer spoke.

Karen Rivo, representing the parents through the school's PTA and Miami-Dade County School System Security Task Force, commended the City Commission for passing this ordinance, but stated that this alone is not enough and urged the City Commission to evaluate all the places where children gather in the community, under the City domain, such as parks, youth centers, etc; to look at whether physical barriers are created from keeping strangers walking into the parks, to look at security issues, are there enough security guards trained and paid properly; to educate the parks staff to be a watchful set of eyes and to use every opportunity to teach children about strangers and being inappropriately touched.

Sergeant Robert Hundevadt, Special Victims Unit from the Police Department, spoke.

Diana Susi, representing school and pre-school children from AYUDA Center, spoke.

Alex Annunziato spoke.

David Kelsey spoke.

Vice-Mayor Garcia asked how can this ordinance be enforced when individuals buy property cash.

Roberto Datorre, Assistant City Attorney, stated that the same applies to homeowners and developers.

Mayor Dermer asked that between first and second reading the "sale" provision be added.

Commissioner Steinberg asked if the ordinance should exempt people that have established residence but have not registered with the State; if in violation of this law, they should not be allowed to stay in the City.

Robert DaTorre, Assistant City Attorney, stated that the ordinance can address that permanent residents must register with the State before July 1st, 2005.

Commissioner Steinberg also asked the Administration between first and second to prepare recommendations on how to encourage registered sex offenders who are already residing in Miami Beach to move on.

City Clerk's note: This item was noticed as a second reading, public hearing, however the City Attorney has indicated that inasmuch as substantive changes have been made to the proposed legislation since first reading, if the City Commission approves this matter on May 18, an additional reading at public hearing on June 8 must be scheduled.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Article published in The Miami Herald, dated May 3, 2005, titled Limits for Sex Offenders Sought.

1:58:41 p.m.

R5B Demolition Procedures For Non-Designated Structures

An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing**

(Planning Department)
(First Reading on April 20, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3482 adopted as amended by adding five (5) business days.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Jorge Gomez to handle. R. Parcher to transmit to Municipal Code Corp.

Amendment:

118-591 (d) change the five (5) days noticing requirement to five (5) business days

Carter McDowell Esq. spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

1:11:28 p.m.

R5C An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"; Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on April 20, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3483 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Jorge Gomez to handle. R. Parcher to transmit to Municipal Code Corp.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:40:07 p.m.

R5D An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing Penalties For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date. **5:20 p.m. Second Reading, Public Hearing**

(Requested by Commissioner Jose Smith)
(First Reading on April 20, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3484 adopted as amended. Item referred to the Land Use and Development Committee to discuss the issues of the mooring field and the buffer zone.** Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 6-1; Opposed: Commissioner Gross. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to place on the Land Use and Development Committee Agenda. Robert Middaugh to handle.

Gary Held, First Assistant City Attorney, read the Amendments:

(b) (3)

The fact of whether a vessel is a person's or persons' "legal residence," and therefore a "live-aboard vessel" under this ordinance may be established by evidence that the person is or persons are using the vessel as his, her or their primary residence, including evidence of a combination of the person's or persons' subjective intent and objective facts, including the fact that the vessel on which the person is or persons are residing has been anchored or moored within City limits for seven (7) consecutive or cumulative days within a thirty-day period, or that the person has or persons have no other arrangements for residence in the area **beyond the seven (7) day period.**

(c)

The following vessels are prohibited from anchoring or mooring within the boundaries of the

city, except as hereinbefore and hereinafter provided:

- 1) Non-live aboard vessels not in navigation, or not engaged in the exercise of the rights of navigation; and
2. Live-aboard vessels being used as a person's legal residence more than seven (7) consecutive or cumulative days within a thirty-day period.

(d)

This section shall not apply to non-live-aboard vessels exercising rights of navigation, or vessels (whether non-live-aboard or live-aboard): (i) responding to a bona-fide emergency on their vessel, such as failure of the vehicle to operate, or injury or illness suffered by the vessel's operator, or during the period when a hurricane ~~warning~~-watch or warning or other dangerous weather condition is in effect, either in the city, or in the next immediate destination of the vessel, or the route thereto; (ii) located within designated anchoring and mooring areas; ~~or~~ (iii) moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel, or (iv) anchored immediately adjacent to upland property owned or leased by the owner of the vessel, due to an inability to moor to the upland property.

Deleted:

City Attorney's Office to research the legality of a buffer zone.

Administration to research a mooring or anchor field. **Robert Middaugh to handle.**

Commissioner Stenberg asked if someone who is cruising for two years and their vessel is their primary residence, can they stay in Miami Beach for seven days also?

Gary Held, First Assistant City Attorney, stated that the seven day period should apply in those instances; however, he will double check to make sure this is clear in the ordinance.

Cathy Johnson spoke.

Mark Gold spoke.

M. Ronald Krongold spoke.

Richard Blackford spoke.

R. Garritano spoke.

Tim Rose spoke.

Rebecca Castellano spoke.

Raymond F. Adams spoke.

Bob Everhard spoke.

Richard Spiciarich spoke.

Barbara Falsey spoke.

Matt Leibowitz spoke.

Curtis Tucker spoke.

Paul Kuchukion spoke.

Dr. Leila Posaw spoke.

Colleen Martin spoke.

Commissioner Bower asked if feasible to have the set back.

Murray Dubbin, City Attorney stated the set back is an over simplification, because even if the City has a rule that indicates that a vessel cannot sit closer than 500 ft., the City cannot govern that 500 ft area off shore because it is under control of the State.

Commissioner Gross stated that the seven day rule is not going to solve the problem the homeowners are having, and the set back rule will solve the problem, because the boating community and the homeowners like it.

Mayor Dermer asked if the option of a mooring field has been discussed.

Commissioner Smith stated that it has been discussed and it is something the City should be encouraged to do; there are a lot of regulatory bodies that would need to sign off on this policy; there are issues of costs and placement, but there is nothing inconsistent about a mooring field in respect to this ordinance.

Gary Held, First Assistant City Attorney stated that there are two situations for proposed mooring field; 1) where is the State sovereignty land, and 2) where the City actually owns the bay bottom. He understands that there is a four acre area where the City does own the bay bottom where all that is needed is a DERM permit, but it only accommodates nine boats. He recommends going forward with the area where the City owns the bay bottom, and then start working on the other area where State approval is needed.

Gary Held, First Assistant City Attorney, recommended that the issue of the set back should be brought back to the City Commission at another time.

Commissioner Smith moved to adopt the ordinance subject to the amendments listed; seconded by Commissioner Steinberg.

Commissioner Cruz asked how the City is addressing the issues of the mooring fields and the set back.

Commissioner Smith stated that based on his own analysis, a buffer set back zone would be contrary to Florida Law. He indicated that it can be explored and brought back for discussion, because if a vessel is in navigation it is not subject to municipal regulations. He recommended staying away from this until a definite ruling is made by the City Attorney's Office that a buffer zone is appropriate and legal.

Commissioner Smith requested the Legal Department to research the concept of a buffer zone.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Email letter to Mayor David Dermer and City Commissioners from Frank F. Herhold, Executive Director, Marine Industries Association of South Florida, dated May 16, 2005, RE: Miami Beach Anchoring Restrictions
3. Email to Mayor Dermer from Curtis Tucker dated May 17, 2005, re: Yacht Owners Spend \$55/day in Miami Beach on FOOD
4. Email to Mayor Dermer, City Commission, City Manager and City Attorney, from Adel Hattem, dated May 17, 2005, re: Against 72 hours anchoring ordinance
5. Petitions with email signatures
6. List re: other similar Cities that have passed similar ordinances

12:50:31 p.m.

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" By Amending Code Sections 2-487 "Prohibited Campaign Contributions By Vendors", 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues", 2-489 "Prohibited Campaign Contributions By Real Estate Developers", And 2-490 "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues", By Adding Language Providing That The 12 Month Period In Which A Prohibited Donor Of A Campaign Contribution Is Disqualified From Certain Specified Associations With The City Shall Commence Upon A Final Finding Of Violation, Or If Applicable, Upon Miami Beach City Commission Action On A Waiver Request, And Establishing Effects Of Waiver; Further Amending Code Section 2-487(B) By Providing For A Limited Waiver Of Existing Contracts; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Requested by Mayor David Dermer & Commissioner Jose Smith)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for June 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Jean Olin, Deputy City Attorney, gave a brief background on the ordinance and explained that the definition of a real estate developer, as per the City Code, is a person or entity that has a pending application for a development agreement; not someone with a development agreement, or that is currently negotiating with the City for a development agreement, or who has a present or pending application for a change of zoning map designation or future land use map designation. It also includes individuals with controlling financial interest of 10% or greater.

Commissioner Cruz stated that this ordinance is used in a punitive form by candidates. He wants to know what can be done to prevent frivolous charges.

Robert Meyer, Executive Director for the Miami-Dade County Commission on Ethics and Public Trust, stated that if a person does not file a complaint but simply provides information, the Commission on Ethics investigates, and there is nothing they can do about that. If a person files a formal complaint they can be sanctioned for filing frivolously. He stated that the Commission has an obligation to investigate allegations misconduct by people in office or people in government.

Vice-Mayor Garcia asked what would need to happen for the Commission on Ethics to change the procedures in reference to formal complaints.

Robert Meyer, Executive Director for the Miami-Dade County Commission on Ethics and Public Trust, stated that they work hard to self initiate complaints. He stated that a lot of people will not come forward if they have to file a formal complaint, so the Commission on Ethics will not support that. He explained that they investigate all allegations of misconduct, and if they find that the same individual is using their staff unnecessarily, they will have to come with a way to stop this.

Vice-Mayor Garcia urged Mr. Meyers to tighten the complaint procedures.

4:18:06 p.m.

Supplemental Materials (Revised Memorandum and Ordinances):

R5F An Ordinance Amending Ordinance No. 92-2813, The Defined Contribution Retirement Plan 401(A), By Amending The Provisions Of Section 1, Article 5, Subsection 5.03 To Increase The Maximum Monthly Retirement Disability Benefit To Reflect Annual Cost Of Living Increases; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg with the step increases per year; seconded by Commissioner Bower; Ballot vote: 6 0; Absent: Commissioner Gross. Second Reading and Public Hearing scheduled for June 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

Amendment:

Increases each year for the three years; Year one, \$8,000, Year two, \$9,000, and Year three, \$10,000.

Commissioner Steinberg is concerned because it is over and above the cost of living increase.

Commissioner Steinberg suggested passing an ordinance with increases each year for the three years; Year one, \$8,000, Year two, \$9,000, and Year three, \$10,000.

4:27:40 p.m.

R5G An Ordinance Amending Chapter 82, Article V, Division 1, Section 82-438 Of The City Code, Entitled "Prohibiting Wheeled Conveyances On Beachfront Promenade Boardwalk Except Those Required By The Handicapped," To Provide For Certain Exceptions To The Prohibition Of Wheeled Conveyances On The Boardwalk; Providing For Codification, Repealer, Severability, And An Effective Date.
First Reading.

(Police Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for June 8, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Chief De Lucca to handle.

Commissioner Smith stated that the section of the Code needs to be added to the sign. He was told by a previous security guard that he could not enforce the ordinance because the sign did not have a City Code section and also to instruct the security guards to enforce the law. **Chief De Lucca to handle.**

R7 - Resolutions**1:57:43 p.m.**

R7A A Resolution To Waive By 5/7ths Vote Of The City Commission Certain Development Regulations Pursuant To Section 142-425 (D) Of The City Code For The Proposed Surface Parking Lot At 137 Washington Avenue. **10:40 a.m. Public Hearing.**
(Capital Improvements Office)

ACTION: Public Hearing held. **Resolution No. 2005-25898 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Gross. Jorge Chartrand to handle.

Commissioner Gross stated that he believes the City should go to the zoning board like every other property owner. He does not agree, philosophically, with waiving rules for the City property.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Copy of Ad and mailing labels

9:04:23 p.m.**Supplemental Materials (Additional Information):**

R7B A Resolution In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," Approving, On Second Reading, A Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Containing Approximately 179,000 Square Feet Of Retail Area; A Supermarket; An Approximately 1081 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component; And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach. **5:00 p.m. Second Public Hearing.**

(City Manager's Office)
(First Public Hearing on April 20, 2005)

ACTION: Public Hearing held. **Resolution No. 2005-25899 adopted and the Development Agreement approved as amended by staff.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Voice vote: 6-1; Opposed: Commissioner Gross. Tim Hemstreet to handle.

Tim Hemstreet, Acting Assistant City Manager, introduced the item and explained the changes between first and second reading.

Development Agreement Amendments:

- 1) The Developer will pay the full cost of removing metered parking spaces as necessary to accommodate the design and operation of the facility, and the City will pay up to an equal amount for the costs of creating the condominium documents as an offset in order to keep the cost the same in terms for the financial deal.
- 2) Up to 14 spaces will be retained in joint ownership between the City and the Developer in order to meet potential code parking requirements. There is a potential that the Developer may need up to 16 more spaces, as many as 30, if this happens, the Developer has the right to come back and readdress the issue with the City and if unable to come to an agreement, he will have the right to buy back spaces at the price the City paid for them, prior to a Certificate of Occupancy being issued and without interest.
- 3) In return for the City agreeing to joint ownership of the 14 spaces, the Developer has agreed to no

Prepared by the City Clerk's Office

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validation for restaurant patrons.

4) There will not be a sliding scale to restaurant patrons; restaurant patrons will be charged a minimum of the same rates as are charged in the City's parking garage system as established and amended by the City Commission from time to time.

5) Language was added to clarify the intent that the Developer's ability to issue and execute checks will be in accordance with the mutually approved operating budget.

6) Regarding the Developer's right to first refusal; the developer and staff were asked to look at the basis of determining the market price offer to the developer and making it the actual price offered by the buyer. The language that was negotiated subjects the offered price to the FMV fraction, which results in a double discount. Therefore, staff's recommendation is to keep the language the same as it was proposed at the first reading.

7) For the supermarket component, which has to be there for ten (10) years by the development agreement, and if for some reason it is not successful and then the City is successful in bringing a replacement supermarket, the requirement to maintain the supermarket will be concurrent to normal market retail lease for the replacement supermarket.

8) The Developer has provided a draft letter which specifies his commitment to not require the City to provide shuttle service.

9) Language was added to the definition of "fair market value" to clarify that the fair market value of the City spaces shall first be determined by including land value, and then, such value shall be multiplied by the Fraction to adjust for the fact that the City does not have an interest in fee title to the land.

10) Section 2.60 was changed to make it easier to follow. The language was not significantly changed, and the intent was not changed at all.

11) The completion date was extended by approximately six months because of the passage of time since the initial dates were agreed upon.

He explained that there was a concern regarding what will happen if there is a change in use beyond a year past the Certificate of Occupancy. Right now the parking fee in lieu of providing parking is \$15,000 as per the City Code. The City agreed to freeze that fee of \$15,000 for a period of five (5) years for eligibility or six years from the Certificate of Occupancy. After the six year period, the Developer has the option to come back and discuss it with the City. If a deal cannot be worked out, the developer will have the opportunity to buy back spaces at the City's cost plus 4% simple interest per year.

Commissioner Smith asked whether or not the warranties apply when you are dealing with a commercial condominium; he knows they apply in residential condominiums. He stated that he has not seen anything to convince him that the warranties apply.

Wayne Pathman, Esq. responded that they looked into it, and unfortunately the Florida Condominium Act does not take into consideration whether it is residential or commercial, it applies to both. He stated that they called Tallahassee to find out if there were exceptions, and after researching this, they came to the conclusion that it applies, and the warranty has to be provided even in a commercial setting.

Commissioner Smith stated that if it is determined that warrantees are not required for this condominium structure that there will be not be a need for a warranty to be bought or sold. **Tim Hemstreet to handle.**

Wayne Pathman, Esq. responded that they would have no objections.

Commissioner Steinberg stated, for clarification, that the letter waives the City's requirement to provide the shuttle, and includes language changing "shall" to "may;" and for the record, AR&J SOBE, LLC is agreeing not to hold the responsible for that provision.

Wayne Pathman, Esq. stated that this is correct and if the letter needs to be modified, they will modify

it.

Commissioner Gross stated he received e-mails, after the vote, from people asking why he voted against it. He wanted to clarify that he is not against a supermarket in that location, but he is not in favor of vacating the alley to create a three acre mass right at the entrance to Miami Beach. In his opinion is too massive for that location and it is not in scale with the rest of the City.

Commissioner Smith added that some people minimize the significance of an upscale supermarket in the area, and interestingly enough in this week's Wall Street Journal, there is an extensive article about Whole Foods, and how in urban settings Whole Foods is a very desirable amenity and typically increases property value throughout the community, and further asked Mr. Berkowitz if there was a deal with Publix to bring Whole Foods.

Mr. Berkowitz replied that unfortunately Whole Foods has requirements in terms of exclusive parking dedicated to their use, which would dramatically change the nature of the project and add to the detriment of other tenants and they were not able to reach an agreement.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Copy of the Draft Development Agreement

9:19:46 p.m.

R7C A Resolution Waiving The Required Art In Public Places Appropriation, Finding Such Waiver To Be In The Best Interest Of The City, For The Project, Presently Referred To As "Fifth And Alton", Containing Approximately 179,000 Square Feet Of Retail Area; A Supermarket; An Approximately 1,081 Space Parking Garage; Park And Ride Transit Facility, Including An Intermodal/Transportation Component; And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North, And Fifth Street On The South, In Miami Beach; Further Making Said Waiver Subject To And Contingent Upon The Developer's Agreement And Commitment To Install A Major Piece Of Art At The Entrance Of The Project By Artist Romero Britto, Which The Developer Has Valued At \$500,000; And, As Further Consideration For The Waiver, Taking Into Consideration A Representation By Mr. And Mrs. Alan Potamkin That They Had Previously Promised Gifts To The Bass Museum Of Art, (Which Donated Works The Developer Requested Be Considered In The Request For Waiver).
(Economic Development)

ACTION: Resolution No. 2005-25900 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Gross. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, wants the record to reflect that he supports the recommendation as moved, but he wants to clarify that the recommendation is based not simply as a waiver, but it is done in consideration for the commitment to installing a major piece of art that the developer has agreed to do as well as donation and pledge to the Bass Museum of Art. The wavier is for a particular consideration and not a simple waiver.

Jeff Berkowitz, from Potamkin/Berkowitz Joint Venture, stated that when he first agreed to get involved with this project he was warned that dealing with Miami Beach could be very difficult and he commended the quality of the members of the City Commission, and especially commended the City staff. He stated that the City Manager, Christina Cuervo, Tim Hemstreet, Kevin Crowder, Saul Frances, Jorge Gomez, Raul Aguila, Jack Adams and Trish Walker all have done an incredible job.

5:17:56 p.m.

- R7D A Resolution Following A Duly Noticed Preliminary Public Hearing Pursuant To City Code Section 118-705, Evaluating The Merits Of The Proposed Gilbert M. Fein Neighborhood Conservation District, And Directing The Planning Department To Continue The NCD Designation Process And Imposing The Temporary Development Review Controls Pursuant To City Code Section 118-708.

5:15 p.m. Public Hearing.

(Planning Department)

ACTION: Public Hearing held. **Resolution No. 2005-25901 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Jorge Gomez to handle.

Jorge Gomez, Planning Director, explained the item.

Alejandro Ojanguren spoke.

David Kramburger spoke.

Alexa Weiss spoke.

Arthur Marcus spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Draft Proposed Gilbert M. Fein Neighborhood Conservation District dated 2005
3. Letter to Robert Parcher, City Clerk, from Timothy Mason, dated May 7, 2005
4. Copy of Ad and mailing labels

2:01:57 p.m.

- R7E A Resolution Awarding A Professional Services Agreement To Chen And Associates In The Amount Of \$2,017,009 To Provide Urban Design, Architecture, Landscape Architecture, Engineering, And Construction Administration Services Necessary To Complete The Planning, Design, And Construction Of The Phases III, IV, And V Of The South Pointe Streetscape Project. Joint City Commission And Redevelopment Agency.

(Capital Improvement Projects)

ACTION: Item heard in conjunction with RDA-3A. Resolution No. 2005-25902 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Jorge Chartrand to handle.

4:21:46 p.m.

- R7F A Resolution Accepting The Recommendation Of The City Manager Relative To The Ranking Of The Proposals Received For Group Employee Long Term Disability Coverage For Participants In The City's Defined Contribution 401(A) Plan, Pursuant To The Request For Proposals Issued On January 14, 2005, By Arthur J. Gallagher And Co., The City's Broker For Group Employee Benefits; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm, Jefferson Pilot Financial Insurance Company; And, Should Such Negotiations Be Successful, Authorizing The Mayor And City Clerk To Execute An Agreement With Said Firm, Not To Exceed An Estimated Annual Premium Of \$75,000, Effective June 1, 2005, For A Period Of Two Years.

(Human Resources)

ACTION: Resolution No. 2005-25903 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Mayra Buttacavoli to handle.

2:00:57 p.m.

R7G A Resolution Authorizing The Mayor And City Clerk To Execute A Modification To The Sovereignty Submerged Land Lease No. 130765469 Among The City Of Miami Beach, The Miami Beach Redevelopment Agency And The Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Miami Beach Marina, Pursuant To The Request Of The State Of Florida Department Of Environmental Protection To Clarify The Existing Uses At The Miami Beach Marina. **Joint City Commission And Redevelopment Agency.**

(Asset Management)

ACTION: Item heard in conjunction with RDA 3C. Resolution No. 2005-25904 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Joe Damien to handle.

1:08:28 p.m.

R7H A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 06-04/05, For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; Authorizing The Administration To Enter Into Negotiations With International Merchandising Corporation D/B/A IMG; And Should The Administration Not Be Able To Negotiate An Agreement With International Merchandising Corporation D/B/A IMG; Authorizing The Administration To Negotiate With The Superlative Group, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.

(City Manager's Office)

ACTION: Resolution No. 2005-25905 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Kevin Smith to handle.

1:13:43 p.m.

R7I A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm) And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction), For A Combined Estimated Annual Premium Not To Exceed \$2,406,377.00 (Net Of Broker Commissions), For A One-Year Period As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record.

(Risk Management)

ACTION: Resolution No. 2005-25906 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Cliff Leonard to handle.

Jorge Gonzalez, City Manager, explained the item.

Clifford Leonard from Risk Management spoke.

Commissioner Smith pointed some typographical errors for the record.

Ms. Vanderport, from Arthur J. Gallagher And Co., spoke.

City Clerk's note: Boiler/Machinery coverage limits, page 594, is listed as \$100,000; it should be \$100,000,000 and All Risk Property /Wind (includes ~~\$5,000,000~~ \$25,000,000 additional Coverage)

4:24:11 p.m.

- R7J A Resolution Appropriating Funds, In The Amount Of \$1,152,260, From Middle Beach Quality Of Life Funds, Of Which Up To \$750,000 Are Anticipated To Be Reimbursed By Miami-Dade County General Obligation Bond Funds, For Construction Of The 41st Street Bridges Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25907 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Gross. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

Handout or Reference Materials

1. 11 x 17 Color drawing of the 41st Street – Indian Creek Waterway Bridge

7:02:42 p.m.

- R7K A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Miami Beach Community Development Corporation, For Its Proposed Project To Create (30) Units Of Supportive Housing For Very Low Income Elders, To Be Located In The Vacant Parcel Adjacent To And Part Of The Villa Maria Apartment Project, Located At 2800 Collins Avenue, Miami Beach, Florida.
(Neighborhood Services)

ACTION: Resolution No. 2005-25908 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to handle.

7:03:05 p.m.

- R7L A Resolution Approving And Authorizing The City Manager To Issue Five (5) Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc., To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To: Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; Continue Providing Case Management Services And Transitional Housing To Victims Of Domestic Violence Who Have Become Homeless; To Continue To Operate And Enhance Two Scattered Site Housing Programs; And To Enhance Supportive Services For Formerly Homeless Persons In Miami Beach With A New Scattered Site, Shelter Plus Care (S+C) Program.
(Neighborhood Services)

ACTION: Resolution No. 2005-25909 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to handle.

7:03:22 p.m.

- R7M A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2005-25910 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to handle.

7:03:48 p.m.

Supplemental Materials (Resolution):

R7N A Resolution Approving And Authorizing The City Manager To Issue Two (2) Certifications Of Consistency With The City's Consolidated Plan To Carrfour Supportive Housing, To Renew The Awarded Funds Provided Directly By The U.S. Department Of Housing And Urban Development, To Provide Supportive Housing In The Form Of Twenty-Four (24) Units Of Transitional And Forty-Eight (48) Units Of Permanent Housing For Formerly Homeless Individuals At 8540 Harding Avenue, Miami Beach, Florida.

(Neighborhood Services)

ACTION: Item heard and discussed in conjunction with items R9C and R9C1. Resolution No. 2005-25911 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Vice-Mayor Garcia. Vivian Guzman to handle.

Amendment:

Delete from the Resolution the specifics number of units.

Jorge Gonzalez, City Manager, recommended amending the resolution by removing the specific number of units. He stated that the City Commission needs to look at two issues; the application that Carrfour has presented for review as it relates to a Certificate of Consistency with the Consolidated Plan, which has been reviewed by staff and is consistent with the Consolidated Plan, and the services being proposed which are consistent to the City's five year plan. He explained that the Certificate of Consistency is a requirement of any provider seeking funding through the Miami-Dade County Homeless Trust. The application was reviewed with the City's Consolidated Plan and it is found to be consistent. He stated that Vice-Mayor Garcia's concern is more an issue of the appropriateness of those services being provided at that location, the question is if the facility is an appropriate place to conduct the service. This is the issue of the permitting.

Mayor Dermer asked the City Manager if there is a basis to deny the Certificate of Consistency to Carrfour.

Jorge Gonzalez, City Manager, stated that based on the analysis of the application, administratively the answer is no, maybe the Legal Department should respond.

Mayor Dermer asked the Legal and the Planning Department if there is a basis to deny the Certificate of Consistency. Both responded that there was no basis to deny it.

Motion made by Commissioner Bower to move the item.

Vice-Mayor Garcia stated that there is no harm in waiting.

Commissioner Cruz stated that he agrees with Vice-Mayor Garcia and that he prefers to discuss the issue and resolve the concerns first.

Commissioner Bower withdrew her motion.

Murray Dubbin, City Attorney urged the City Commission to listen and to hold comments to a minimum.

Vice-Mayor Garcia stated that item R9C has been referred to the Planning Board.

Reinaldo Castellanos, Esq. spoke.

Commissioner Smith stated that regardless if it has to go for a Conditional Permit or not, regardless if it has to go to the Zoning Board or not, the issue today is whether the use of this property is consistent with the Consolidated Plan.

Jorge Gonzalez, City Manager, read the objectives in the five year strategy in the Consolidated Plan.

Commissioner Cruz asked the City Attorney if the application is considered invalid due to incorrect information.

Murray Dubbin, City Attorney, stated that in his opinion, if there is a difference between the language of the original application and the facts as they exist today, two years later; those differences do not take the situation outside of the City's Consolidated Plan, and they will conform to the Consolidated Plan, take testimony and make a decision.

Alina Ramirez, parent of a child in St. Joseph Elementary School, made a presentation.

Dr. Bernardo Benes spoke.

Richard Schindler spoke.

David Raymond, Executive Director of the Miami-Dade Homeless Trust, spoke.

Mark Blumstein spoke.

Aida Elmatari spoke.

Lee Williams spoke.

Susan Johnson spoke.

Pedro Cejas spoke.

Richard S. Bonds spoke.

Carter McDowell, Esq. spoke.

Linda S. Quick, Board Chair/Chair, Executive Committee and President of South Florida Hospital & Healthcare Association, spoke.

Mayor Dermer suggested that the Chairperson meet and talk to the residents and that the leader of the neighborhood group be present at these talks with the residents.

Carter McDowell, Esq. spoke.

Commissioner Cruz asked Carter McDowell if the application is misleading or inconsistent in any way in his estimation.

Linda S. Quick, Board Chair/Chair, Executive Committee, responded "no", but that the emphasis is different according to what you are applying for.

Commissioner Cruz asked Mr. David Raymond, Executive Director of the Miami-Dade Homeless Trust program, if the application in anyway is inconsistent and does it violate the application to HUD.

Dr. Raymond explained that the application submitted to HUD at the time, called for services onsite. If services are offsite, they go back to HUD and submit an amended program design, which is a technical submission form. Their concerns to work out with Carrfour are where the services are going to be offered, how is this going to be handle and this requires dialogue from everyone, including the community. HUD guidelines are that the services can be on or offsite.

Commissioner Cruz asked Jorge Gonzalez, City Manager, why this is done on the City's Consolidated Plan and how it affects the City overall. When the Consolidated Plan is formulated, the

City receives monies from US HUD as long as it stays within the scope of the Plan.

Jorge Gonzalez, City Manager, explained that the City of Miami Beach is an entitlement agency as defined by the Housing and Urban Development Department. This plan is required to be submitted to HUD to address various community development issues through block grants, etc.

Commissioner Cruz added that if the City denies this application it will jeopardize a whole host of current related activities funded by HUD for public services based on the Comprehensive Plan. Commissioner Cruz explained this in Spanish.

Motion made by Commissioner Bower; seconded by Commissioner Steinberg.

Vice-Mayor Garcia addressed the citizens in Spanish.

Commissioner Bower asked the Planning Department to provide her with the list of what is allowed at any housing project in Miami Beach without having to obtain a Conditional Use Permit..

Jorge Gomez, Planning Director, stated that he will provide an LTC with the information.

Handout or Reference Material:

1. Interoffice Memorandum from Jorge Gomez, Planning Director, to Jorge Gonzalez, City Manager, dated May 18, 2005, regarding Conditional Use Approvals.
2. Committee on the Homeless Resolution Number 051805 signed by Juan Rojas, Chairman.

5:14:38 p.m.

R7O A Resolution Authorizing Appropriation Of \$1,466,762 From The Water And Sewer Revenue Series 2000 Bond Fund 424 For Construction And Maintenance Projects, To Fund Work Orders For Water And Sewer Construction Projects.

(Public Works)

ACTION: Resolution No. 2005-25912 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioners Cruz. Patricia Walker to appropriate funds. Fred Beckmann to handle.

1:20:19 p.m.

R7P A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Multi-Purpose Municipal Parking Facility (MPMPF).
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25913 adopted as amended. Motion made by Commissioner Bower to approve the BODR for the garage and the issue of the streetscape for Meridian Avenue and referred to Neighborhood/Community Affairs Committee for review; seconded by Commissioner Cruz; Voice vote: 7-0. Jorge Gomez to place on the committee agenda. Jorge Chartrand to handle.

Jorge Chartrand, Acting Director for CIP, presented the item.

Jorge Gonzalez, City Manager, stated that the community wanted to maximize the parking and this is the reason for the additional level. This gives the City the opportunity to maximize the office space that the City will not be able to buy at that price in addition to maximizing the parking spaces.

Commissioner Gross stated that he has no objections as long as it is in context with the surrounding neighborhood and also comparable in height to City Hall and the apartment building across the

street.

A PowerPoint presentation was given by the Architects.

Commissioner Bower asked how this project will affect the Boat Show. She is concerned if the configuration of the street will affect the Boat Show.

Jorge Chartrand, Acting Director for CIP, explained that the right of way is extremely wide, and basically they are organizing the street by having parallel parking on the east side, improve the landscape and creating four lanes that will be striped.

Jorge Gonzalez, City Manager, stated that there are two options 1) approve the entire basis of the design review (BODR) including Meridian Avenue, or refer the streetscape for the Meridian Avenue portion to a committee.

Benita Argos spoke.
Gabrielle Redfern spoke.
Erika Brigham spoke

Handout or Reference Material

1. Final Version of the Basis of Design Report dated May 9, 2005 prepared by Perkins + Wills
2. 11 x 17 color rendering titled City of Miami Beach Multi-Purpose Parking Facility dated May 12, 2005

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:

Budget Advisory Committee:

Fred Berens Term expires 12/31/06 Appointed by Commissioner Smith TL 12/10

Committee on the Homeless:

Patti Hernandez Term expires 12/31/06 Appointed by Vice-Mayor Garcia TL 2/10

Community Development Advisory Committee:

Alan Lips Term expires 12/31/06 Appointed by Commissioner Cruz TL 12//11

Debarment Committee:

Luis Marcelin Term expires 12/31/06 Appointed by Vice-Mayor Garcia TL 12/07

Hispanic Affairs Committee:

Luis Salom Term expires 12/31/06 Appointed by Mayor Dermer TL12/12/

Miami Beach Commission on the Status of Women:

Rebecca Schwartz Tem expires 12/31/06 Appointed by Vice-Mayor Garcia TL 12/12

Production Industry Council:

Karl Avanzini Term expires 12/31/05 Appointed by Commissioner Smith TL 12/12

Youth Center Advisory Board:

Prepared by the City Clerk's Office Page 39
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Lisa Austin

Term expires 12/31/06

Appointed by Mayor Dermer TL 12/06

R9A1 Appointment To The Board Of Adjustments.
(City Clerk's Office)

ACTION: Item not reached.

R9A2 Appointment To The Performing Arts Center Trust.
(Requested by Mayor David Dermer)

ACTION: Motion made by Mayor Dermer to nominated Sonia Dula to The Performing Arts Center Trust; seconded by Commissioner Cruz. Motion made by Vice-Mayor Garcia to nominate Richard Milstein; seconded by Commissioner Steinberg; Ballot vote: Dula 5, Milstein 2. R. Parcher to notify the Performing Arts Center Trust.

2:10:11 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

Stanley Shapiro stated that he is the facilitator of Prime Time Seniors and he was very proud to represent them before the Miami-Dade Commission for the golden passport for people 65 years of age or older. This passport entitles them to discounts at different venues. He encouraged the elderly residents to call their Commissioner and if five people request the passport, Miami-Dade Transit Authority will send a representative to deliver them. He announced that Prime Time Seniors will be having a luncheon June 22; they will be showing their appreciation to Commissioner Jose Smith and to Kevin Smith, Parks and Recreation Director, for their cooperation. He announced that on Sunday there will be a free piano concert at the University of Miami with the cooperation of the City of Miami Beach. On Tuesday, they will be going to the Science Museum at no cost and thanks to the cooperation of the City of Miami Beach. He stated that we should be very proud for this great city and Julio Robaina our great legislator.

Diane Star Heller stated that she loves sail boats and does not want restriction limiting the stay of sail boats. She stated that sail boats give character to our city and they are very picturesque. It will be a terrible thing to limit them.

Silvia Behar stated that she is a proud Cuban-American woman. She has own a property in Rivo Alto Island for over 40 years. She stated that her life is in danger because there are two people that want her fortune; one is a member of her family and the other her husband's attorney. She requested protection from the City Commission, because she does not want to go to a shelter. She is only receiving a small pension of \$500 and has no place to go. They did not want to help her at the State's Attorney's Office. She stated that Matti Bower had tried to help her.

Mayor Dermer stated that Commissioner Bower will continue to help her.

Commissioner Bower stated that she had referred Mrs. Behar to Maria Ruiz to sign up. She explained to Mrs. Behar that she will not be on the street, that she will be helped, and asked Mrs. Behar to go see her at her office tomorrow and she will try to help her.

Joe Fontana spoke on the landscaping being done on Collins Avenue. He stated that there was landscaping done on Collins Avenue and then it was ripped off because FDOT was extending the median. He stated that the Parks Department has been putting grass on the median instead of the

bushes that were there before. The palm trees planted are falling apart. He stated that in South Beach the residents were consulted when the landscaping was done and the landscaping is beautiful. He wants the landscaping on Collins Avenue redone the way the South Beach was done and to remove the palms and the grass. He requested the City Commission to instruct the Administration to look into this project.

Gabrielle Redfern stated that in 2003 the City received a very prestigious designation as a "bicycle friendly community" from The American League of Bicycles. This designation was made by an application submitted by a City department and the information on the application is not true as to what the City provides in the way of transportation, facilities and education. She stated that the City Manager's Office, the Director of Public Works, and the person in charge of the Environmental Division have worked hard in getting her the information she needed to find out how Miami Beach received this designation. She urged the City Commission to look into this matter and to ask the Administration to write a letter to The American League of Bicycles asking them to revoke this designation that is not deserved.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Item not reached.

R9C Discussion Regarding A Referral Of The Harding Village Supportive Housing Project To The Planning Board And/Or Board Of Adjustment.
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: No action required. See item R7N for discussion.

R9C1 Discussion Regarding The Carrfour Facility Being Established On North Beach.
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: No action required. See item R7N for discussion.

R9D Report On Memorial Day Weekend 2005 (Thursday, May 26, 2005 - Monday, May 30, 2005).
(Tourism & Cultural Development)

ACTION: Written report submitted.

9:51:39 a.m.

R9E Presentation By Michael Kosnitzky On Behalf Of The Orange Bowl Committee.
(Requested by Mayor David Dermer)

ACTION:

Mayor Dermer introduced Michael Kosnitzky from the Orange Bowl Committee.

Michael Kosnitzky stated that he is present today as a resident and member of the Orange Bowl Committee to thank the City Commission once again for their support of the Orange Bowl. He introduced Mr. Philip Rich, Manager of Executive Administration for the Orange Bowl and gave a summary of this year's game and the meaning of the support and contribution received from the City and its impact on the community. The three-day event live telecasted in front of The Cleveland Hotel on Ocean Drive for ESPN Day, is watched by over three million viewers; this adds a tremendous and valuable exposure of Miami Beach. The 2005 National Championship game held on January 4, 2005 was shown on ABC TV Network. The committee estimated that the benefits to the South Florida community in general is about \$200 million, this money is provided every year, regardless of the type of game, and is consistent with studies done on the value of games in our community. Mr. Kosnitzky presented a trophy to the City Commission commemorating this last year's game, as part of their partnership and appreciation on behalf of the Committee.

Mayor Dermer accepted the trophy and extended his appreciation to the entire committee on behalf of the City Commission.

Handout or Reference Material:

1. 2005 FedEx Orange Bowl National Championship Press Clippings Booklet

4:32:44 p.m.**Supplemental Materials (Additional Information):**

R9F Discussion Regarding The Rules And Regulations Governing Dogs, Bicycles, And Skateboards At The New Beach Walk.

(Requested by Commissioner Jose Smith)

ACTION: Discussion held.

Commissioner Smith suggested that direction should be given to the City Manager as to what is or should not be allowed at the new beach walk. He explained that there are some County regulations that may govern the beach with respect to dogs and concerns of health and safety and added that he wanted to give the opportunity to residents to express what kind of regulations they would like to see on the new beach walk.

Jorge Gonzalez, City Manager, clarified that the beach walk is governed by County and City ordinances. Bicycles are encouraged on the beach walk but the security guards are enforcing appropriately the no dogs, no pets on the beach walk, unless it is designated; and there are parks available to exercise dogs.

Fred Beckmann introduced Jordanna Rubin, Public Works Environmental Resources Manager, who explained the County and City regulations regarding health issues. The biggest concern environmentally is dogs walking on the beach area.

Commissioner Gross suggested a 90 day trial period to allow pets on the beach walk and Commissioner Cruz agreed.

Commissioner Bower stated her concern regarding enforcing laws having to do with picking up dog poop.

Jorge Gonzalez, City Manager, explained that he will check to see if security guards can be given the code enforcement training in order to be deputized.

Edgar Polaris spoke.
Rufino Valentine spoke.
Tammy Young spoke.
Suzanne Stolar spoke.
John Charles spoke.
Lawrence Votta spoke.
Dale Bryant spoke.
Tanya Dedham.

Jorge Gonzalez, City Manager, suggested, if the City Commission is to consider this, to have staff work with responsible groups to do a program similar to the one on West Avenue, where condo associations and homeowners are proactive and active in helping distribute the bags.

Commissioner Smith suggested referring the item to the Neighborhood Community Affairs Committee, and in the meantime, have Administration work with the Neighborhood Associations and come up with a plan to implement as a pilot basis.

Commissioner Gross recommended implementing a 90 day pilot program and advise the security guards that people can have dogs on the beach walk and to enforce picking up dog poop.

Erika Brigham spoke.
Albert Talamasse spoke.

It was the sentiment of the City Commission to implement a 90-day pilot program, as of June 1st, 2005, to refer the results of the pilot plan to the Neighborhood Community Affairs Committee and have Administration work with the Neighborhood Associations. In the meantime, there will be a moratorium on the enforcement in particular areas of the beach walk. **Vivian Guzman and Fred Beckmann to handle.**

Handout or Reference Materials

1. Interoffice Memorandum from Jorge Gonzalez, City Manager, to Mayor David Dermer and City Commissioners, dated May 16, 2005, RE: Rules and Regulations for the Beachwalk
2. Friends' and Neighbors' Comments on a Pet-Friendly Beach Walk – Excerpts from some of the citizens emails to Mayor Dermer and the City Commission

R9G Discussion Regarding The Maintenance Of The Bark Park Area And Enforcement Of The Leash Law At Pinetree Park.

(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Vice-Mayor Garcia withdrew the item. See LTC 126-2005.

4:25:37 p.m.

Supplemental Materials (Resolution):

R9H Discussion Regarding A Resolution Urging Governor Bush, To Support The City's Grant Appropriation For The Byron Carlyle Theater.

(Requested by Commissioner Jose Smith)

ACTION: Discussion held. **Resolution No. 2005-25914 adopted as amended.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Kevin Crowder to handle.

Amendment:

To include all of the projects.

Commissioner Bower requested to list all of the projects to this resolution.

Jorge Gonzalez, City Manager, informed the City Commission that a report of activities in Tallahassee will be presented at the next Commission Meeting, but this year so far it has been a very positive year, to a tune of \$7.3 million worth of grants for a variety of projects and programs on the beach, which are awaiting the Governor's signature.

Reports and Informational Items

A Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.)

(Capital Improvement Projects)

ACTION: Written report submitted.

B Status Report On The Construction Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

C Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 803)

(Procurement)

ACTION: Written report submitted.

D Non-City Entities Represented By City Commission:

1. Minutes From The Performing Arts Center Trust Board Meeting Of March 8, 2005 And Agenda For The May 10, 2005 Meeting.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 18, 2005**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Acting Assistant Director Timothy D. Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS
 - A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of March 2005.

ACTION: Written report submitted.

3. NEW BUSINESS

2:01:50 p.m.

- A. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Awarding A Professional Services Agreement To Chen And Associates In The Amount Of \$2,017,009 To Provide Urban Design, Architecture, Landscape Architecture, Engineering, And Construction Administration Services Necessary To Complete The Planning, Design, And Construction Of The Phases III, IV, And V Of The South Pointe Streetscape Project; And Further Appropriating \$1,085,000 From South Pointe RDA TIF Funds. Joint City Commission And Redevelopment Agency.

ACTION: Heard in conjunction with R7E. Resolution No. 501-2005 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

2:04:44 p.m.

- B A Resolution Of The Chairman And Members Of The Redevelopment Agency Of The City Of Miami Beach, Florida, Appropriating Funds, In The Amount Of \$294,940, From City Center Redevelopment Agency Funds, For The Demolition Of The Old Miami Beach Regional Library Building Located At 2100 Collins Avenue.

ACTION: Resolution No. 502-2005 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Vice-Mayor Garcia stated this is a historic building and he would like some type of museum for Morris Lapidus.

Mayor Dermer stated that plaques are being done for former Mayor Mel Richard and for Joe Nevell.

Jorge Gonzalez, City Manager, stated that a plaque is being made.

Commissioner Gross suggested ensuring that this can be done for Art Basel this year and he was reassured by Jorge Chartrand that this can be done in time.

2:01:03 p.m.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute A Modification To The Sovereignty Submerged Land Lease No. 130765469 Among The City Of Miami Beach, The Miami Beach Redevelopment Agency And The Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Miami Beach Marina, Pursuant To The Request Of The State Of Florida Department Of Environmental Protection To Clarify The Existing Uses At The Miami Beach Marina. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with R7G. Resolution No. 503-2005 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Tim Hemstreet to handle.

End of RDA Agenda

Meeting adjourned at 9:22:13 p.m.